

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

N.Y.S.D. Case #
01-cv-3014(GBD)

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19th day of July, two thousand twelve.

Before: ROBERT D. SACK,
PETER W. HALL,
RAYMOND J. LOHIER,
Circuit Judges.

SANFORD GOULD, Individually, and on behalf
of all others similarly situated, YAN SUN, BULLDOG
CAPITAL MANAGEMENT LP, KEVIN SHERMAN,
MAX C. MICHAELS, ROBIN KWALBRUN,
ELEANORE REZNICK, FRANK ZAPPARIELLO,
THEODORE S. GUTOWICZ, DAVID RICH, RICHARD
SULENTIC, ANDRES RIOS,

Plaintiffs,

-and-

BIM INTERMOBILIARE SGR, a wholly
owned subsidiary of BANCA
INTERMOBILIARE DI INVESTIMENTI E
GESTIONI SPA, ROBERT AHEARN, DRYE
CUSTOM PALLETS, JEFFERSON
INSURANCE COMPANY OF NEW YORK,
ALLIANZ LIFE INSURANCE COMPANY
OF NEW YORK, INTERNATIONAL
REINSURANCE COMPANY, S.A., LIFE
USA, AGF AMRIQUE, AGF
HOSPITALIERS, AGF ASSET
MANAGEMENT, FIREMANS FUND
INSURANCE COMPANY, THE
NORTHERN TRUST COMPANY as trustee
of the FIREMANS FUND INSURANCE
COMPANY MASTER RETIREMENT
TRUST and as trustee of the FIREMANS
FUND INSURANCE COMPANY MASTER
RETIREMENT SAVINGS TRUST,
ALLIANZ INSURANCE COMPANY,
ALLIANZ LIFE INSURANCE COMPANY
OF NORTH AMERICA, ALLIANZ ASSET
MANAGEMENT NORTH AMERICAN
EQUITY, US ALLIANZ DIVERSIFIED

**USDC SDNY
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JUDGMENT

Docket Nos.: 10-4028 (L)
10-4280 (Con)

MANDATE ISSUED ON 10/05/2012

ANNUITY, US ALLIANZ GROWTH
ANNUITY, US ALLIANZ VARIABLE
INSURANCE PRODUCTS TRUST, AZOA
GROWTH FUND, AZOA DIVERSIFIED
ASSETS FUND, ALLIANZ OF AMERICA,
INC., ALLIANZ CORNHILL INSURANCE
PLC, CORNHILL PENSION NORTH
AMERICAN EQUITY FUND, CORNHILL
LIFE INSURANCE, MERCHANT
INVESTORS ASSURANCE COMPANY
LIMITED, and CORNHILL LIFE NORTH
AMERICAN EQUITY FUND,

Plaintiffs-Appellants,

v.

WINSTAR COMMUNICATIONS, INC.,
WILLIAM J. ROUHANA, JR., RICHARD J.
UHL, NATHAN KANTOR, ROBERT K.
MCGUIRE,

Defendants,

-and-

GRANT THORNTON LLP,

Defendant - Appellee.

The appeal in the above captioned case from a judgment of the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is VACATED, and the case is REMANDED for further proceedings in accordance with the opinion of this court.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

 